

An Act

Legislative Act 04-25

2025 TECHNICAL AMENDMENTS TO THE HOUSING, JOBS, AND SUSTAINABLE COMMUNITIES ACT PERMANENT AUTHORIZATION OF 2024

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This legislative act shall be titled and codified as the **“2025 technical amendments to”** the **“Housing, Jobs and Sustainable Communities Act Permanent Authorization of 2024, alternatively as the “Housing, Jobs and Sustainable Communities Act,” or the “Housing, Jobs and Sustainable Communities Act, as amended.””**

Section 2. Purpose and Findings: ~~Section 2 of the Act is amended as follows-~~

- A. Purpose: The purpose of this Act is to substantially repeal, replace and to permanently authorize the Housing, Jobs and Sustainable Communities Act (HJSCA), originally enacted in 2019 and amended and reauthorized in 2022; to authorize funding cycles of three-year periods; to require three-year housing plans coinciding with said three-year funding cycles; to authorize housing and community facility programs; to create jobs in construction and related fields; to increase the cultural, economic and environmental sustainability of Cherokee Nation communities; to require annual reports measuring success in achieving the purposes and policies of this Act.
- B. Findings: The Council finds that the Housing, Jobs and Sustainable Communities Act of 2019, as amended and reauthorized in 2022, made historic investments into housing rehabilitation for some of Cherokee Nation’s most vulnerable citizens and the community facilities that serve them. HJSCA is responsible for more than 42,400 housing rehabilitation projects completed or in some phase of completion and over 360 housing units completed or in some phase of construction. HJSCA was further responsible for sustainability improvements to more than 42 community buildings and the construction of 5 new community buildings. The Council finds that notwithstanding HJSCA’s historic \$150 million investment into these efforts, there exist further opportunities to improve housing conditions for Cherokee Nation citizens and improve, expand and construct community buildings. The Council takes legislative notice of a report submitted by the Principal Chief titled Cherokee Nation Housing Needs Assessment 2024 dated September 2024, identifying substantial housing deficits across the Cherokee Nation Reservation. The Council finds that a permanent multi-year cycle of funding and housing policy planning and development, in addition to conventional sources of federal housing

funding such as the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA), is warranted in view of this housing deficit. Accordingly, the Council finds that the substantial repeal, substantial replacement and permanent authorization of HJSCA is warranted.

Section 3. Funding Sources: ~~Section 3 of the Act is repealed in its entirety and replaced as follows-~~

- A. The funding source includes dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder and that are incorporated under Cherokee Nation law, and grants from federal or other third party sources other than NAHASDA, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources. Any funds that would have been authorized or appropriated for fiscal year 2025 under HJSCA, including American Rescue Plan Act funds through the Cherokee Nation Respond, Recover and Rebuild Plan is hereby authorized as a funding source under this reauthorization act for any purpose specified herein.
- B. The Principal Chief is authorized to execute memoranda of agreement or other instruments with Cherokee Nation Businesses to secure funding authorized under this Act, subject to Council appropriation.
- C. Nothing in this Act constitutes an appropriation of funds or precludes the Council from exercising its constitutional duty of budget appropriation.

Section 4. Policy of Accountability

- A. All funds pursuant to this Act under the care of the Cherokee Nation shall be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

Section 5. Substantive Provisions: ~~Section 5 of the Act is repealed and replaced as follows-~~

§ 1. Amounts Authorized

- A. A total amount not to exceed \$40 million is authorized per three-year funding cycle, commencing with fiscal year 2025, for programs authorized under this Act, more specifically:
 - a. Housing Program Funding: Eighty-five percent of funds authorized under this Act shall be used for Housing Programs authorized by this Act.
 - b. Community and Cultural Outreach Funding: Fifteen percent of funds

authorized under this Act shall be used for CCO Programs authorized by this Act.

- B. New Authorization Supplements Authorized and Appropriated Funds: Funds authorized herein shall supplement, but may not reduce or supplant, funds authorized or appropriated for Housing and CCO programs under the HJSCA 2022 amendments or any other appropriation or authorized administrative action prior to the enactment of this Act, which includes general revenue funds and American Rescue Plan Act funds and which may be used under extant rules, policies and procedure in place prior to the enactment of this Act, provided said funding must be separately identified as part of any annual report issued under this Act designated therein as “HJSCA 2022 funding.”

§ 2. Programs and Services Authorized

A. Housing Programs

- a. Housing Rehabilitation: Rehabilitation services for privately owned homes for low-income Cherokee Nation citizens, including emergency rehabilitation services.
- b. New Construction Home Ownership Program: A program to provide a path to affordable home ownership for Cherokee Nation citizens on a lease-to-own basis.
- c. Mortgage Assistance Program: A program to support citizens of the Cherokee Nation to obtain a residential home mortgage through credit and home ownership counseling, down payment assistance and other educational and financial incentives relating to home ownership.
- d. Housing Rental Units: Single or multi-family rental units for low-income citizens of the Cherokee Nation.
- e. Crisis / Transitional Housing: Housing facilities designed to meet short-term needs of unhoused individuals or victims of domestic violence.
- f. Cherokee Language Speaker Villages: Housing units that support Cherokee language revitalization within the meaning and as previously authorized by the Durbin Feeling Language Preservation Act of Permanent Reauthorization of 2024, including all units constructed prior to the enactment of this Act for comparable purposes, the construction, maintenance or rehabilitation of which is performed in coordination with the Cherokee Nation Language Department.
- g. Cherokee Nation Speaker Services: Programs of housing support for fluent Cherokee language speakers within the meaning of the Durbin Feeling Language Preservation Act of Permanent Reauthorization of 2024.
- h. Residential Construction Industry Development Fund: Programs to develop or support the residential construction workforce or residential construction entrepreneurs.
- i. Housing Partners Grants: Grants to third-party government or non-profit entities to meet any of the objectives of the Housing Programs described in Section 5 § 2 A (a)-(fh).

- j. Land acquisition supportive of Section 5 § 2 A ~~(a)-(g)~~
- k. Housing Maintenance Fund: Repair, maintenance, replacement or remodel of housing units constructed under Section 5 §2 A (a)-~~(ef)~~ and housing units constructed under comparable housing programs prior to the enactment of this Act, as determined by the Principal Chief and memorialized in the HJSCA Three-Year Housing Plan prescribe by this Act.

B. Community and Cultural Outreach (CCO) Programs

- a. Sustainable Communities: A program, administered through direct expenditure for the benefit of, or grants in benefit to, non-profit organizations deemed to be “CCO participating organizations” as determined by the policies and procedures of CCO, which supports cultural, social or environmental sustainability through:
 - i. Construction of community buildings.
 - ii. Remodel or expansion of existing community buildings.
 - iii. Equipment for community buildings.
 - iv. Supportive infrastructure for community buildings.
 - v. Improvements to properties on which community buildings are situated.
 - vi. Land acquisition supportive of Section 5 § 2 B (a) (i)-(v).

§3. Administration of Programs

A. Housing Programs: The Principal Chief may designate the Housing Authority of the Cherokee Nation and/or any department within the executive branch to administer the Housing Programs authorized under Section 5 § ~~1-2~~ (A) of this Act, provided:

- a. Administrator or Administrators Reflected in Three-Year Plan: Such designation is reflected in the Three-Year Housing Plan described in Section 5 § ~~3-4~~ of this Act.
- b. Mandatory and Discretionary Programs: The administration by the Principal Chief of Housing Programs authorized under Section 5 § ~~23~~ A (a)-~~(bh)~~ of this Act are mandatory and the administration of Housing Programs under Section 5 §~~23~~ A (~~ce~~)-(~~ki~~) are discretionary, as determined by the Principal Chief.
- c. Permissible Priority Categories: In administering any of the Housing Programs authorized under this Act, the Principal Chief, by written policy, rule or regulation adopted under the procedures described in this Act and detailed in the HJSCA Three-Year Housing Plan, may prioritize programs to meet the purposes and policies of the Act by application of any, or any combination, of the following considerations as to whether the applicant household includes individuals who are:
 - i. Low income (as measured by household income and as determined by rules, policies or regulations as authorized by this Act)
 - ii. Honorably discharged veterans or active military duty military members.
 - iii. First language fluent Cherokee speaker as determined by the Cherokee Nation Language Department.
 - iv. Elders are defined as those over 62 years of age

- v. Disabled as determined by receipt of federal disability benefits.
 - vi. Temporarily unhoused as referred by the Department of Human Services.
 - vii. Suffering from a documented health condition impacting major life activities that may be substantially improved under a Housing Program, as referred by the Cherokee Nation Health Care Provider.
 - viii. Victims of domestic violence by referral from the Department of Human Services.
 - d. Cherokee Nation Citizenship Required: Applicants for Housing Programs authorized by this Act must be citizens of the Cherokee Nation, provided:
 - i. The Principal Chief may adopt policies, rules or regulations under the Authority of this Act to serve minor Cherokee children whose parents or guardians of the household are not citizens of the Cherokee Nation.
 - ii. The Principal Chief may adopt policies, rules or regulations under the Authority of this Act to continue the provision of any Housing Program authorized by this Act for surviving spouses or minor children of a deceased Cherokee Nation citizen of the household.
 - iii. The Principal Chief shall adopt policies, rules or regulations under the authority of this Act to prevent the provision of Housing Programs under this Act to households receiving comparable services from another Indian tribal nation.
 - e. At-large Citizens:
 - i. No citizen residing beyond the exterior boundaries of the Cherokee Nation Reservation may be denied the opportunity to apply for any Housing Program authorized herein nor be denied approval for Housing Programs within the Cherokee Nation Reservation solely on the basis of their non-resident status.
 - ii. The provision of any Housing Program to citizens residing beyond the exterior boundaries of the Cherokee Nation Reservation is permitted under this Act, provided said provision is reflected in the HJSCA Three-Year Housing Plan and any rules, policies or regulations adopted under the authority of this Act, provided further that the provision of such Housing Program has, a substantial impact on improving housing conditions in areas reasonably geographically proximate to the Cherokee Nation Reservation.
- B. Community and Cultural Outreach Programs: Programs described in Section 5 § 1 (B) of this Act shall be administered by the Community and Cultural Outreach department, or any successor department authorized by law, including administrative reorganization by the Principal Chief.
- C. Administrative Expenses: The Principal Chief is authorized, by the departments or entities he or she designates to administer programs authorized under this Act, to expend up to ten percent of the funds authorized by this Act for administrative expenses associated with programs authorized by this Act.

- A. HJSCA Three-Year Housing Plan: Commencing with the period of fiscal years 2025-2027, and for each successive three-year cycle thereafter, the Principal Chief shall provide the Council with a "HJSCA Three-Year Housing Plan," for a review and comment period of 45 days after which it may be implemented, unless said review period is waived or shortened by resolution or act of Council, with said HJSCA Three-Year Plan describing:
- a. The allocation of Housing Funds authorized under Section 5 § 1 of the Act among Housing Programs authorized under Section 5 § 2 A of this Act.
 - b. An explanation for the exclusion of any discretionary Housing Programs under this Act.
 - c. Data relating to current waiting lists for mandatory Housing Programs authorized under this Act, or comparable programs in effect prior to the date of this Act.
 - d. Data otherwise relating to the current housing resources deficit with the Cherokee Nation Reservation.
 - e. Planned expenditures on maintenance, replacement or remodel of any Housing Units constructed prior to this Act.
 - f. Designation of the Housing Authority of the Cherokee Nation and/or executive branch departments responsible for administering authorized Housing Funding and authorized Housing Programs under the Act.
 - g. Forecast of performance of Housing Programs authorized by the Act during the three-year cycle subject of the plan.
 - h. Geographic equity of the allocation of Housing Funds and Housing Programs within the Cherokee Nation Reservation based on relative need, population or other objective factors.
 - i. Performance of Housing Programs under the preceding HJSCA Three-Year Housing Plan.
- B. Amendment to HJSCA Three-Year Housing Plan: Any HJSCA Three-Year Housing Plan may be amended at any time, subject to a 45-day review and comment period to the Council after which such amendments may be implemented, unless said review period is waived or shortened by resolution or act of Council.
- C. Submission of HJSCA Three-Year Housing Plan: The HJSCA Housing Plan shall be submitted no earlier than October 1 and no later than December 31 of the first fiscal year of the three fiscal year cycle of the HJSCA Housing Plan.
- D. Special NCHOP Addendum to First HJSCA Three-Year Housing Plan: During the period of the first three-year funding cycle under this Act, as a "Special Addendum to HJSCA Three-Year Housing Plan on the Sustainability of New Construction Home Ownership Program," the Principal Chief shall provide a report on the status of the New Home Construction Home Ownership Program (NCHOP) since its inception in 2012,

including relevant data and strategies that relates to the long term sustainability of that program.

§ 5. HJSCA Three-Year CCO Sustainable Communities Plan

- A. HJSCA CCO Sustainable Communities Three-Year Plan: Commencing with the period of fiscal years 2025-2027, and for each successive three-year cycle thereafter, the Principal Chief shall provide the Council with a “HJSCA CCO Sustainable Communities Three-Year Plan,” outlining the planned administration of CCO Programs under Section 5 § 2 B of this Act, for a review and comment period of 45 days after which it may be implemented, unless said review period is waived or shortened by resolution or act of Council, with said HJSCA CCO Sustainable Communities Three-Year Plan describing the approximate percentage allocation of funds for Sustainable Communities Fund between the various subject matters described in Section 5 § 2 B of the Act and describing the performance of CCO programs under the preceding HJSC CCO Sustainable Communities Three-Year Plan.
- B. Amendment to HJSCA CCO Sustainable Communities Three-Year Plan: Any HJSCA CCO Sustainable Communities Three-Year Plan may be amended at any time, subject to a 45-day review and comment period to the Council after which such amendments may be implemented, unless said review period is waived or shortened by resolution or act of Council.
- C. Submission of HJSCA CCO Sustainable Communities Three-Year Plan: The HJSCA Housing Plan shall be submitted no earlier than October 1 and no later than December 31 of the first fiscal year of the three fiscal year cycle subject to the HJSCA CCO Sustainable Communities Three-Year Plan.

§ 6. Prohibition on Unnecessary Application of NAHSDA and other Federal Legal Authority

- A. The Principal Chief and his or her designated administrators of program authorized under this Act are prohibited from requiring adherence to federal legal authority relating to construction or occupancy pursuant to any Housing Program under this Act unless expressly required by federal law in which case such requirements must be specified to the Council, in writing, in the HJSCA Three-Year Housing Plan or an amendment thereto.

§ 7. Policies, Procedures and Regulations; Public Disclosure of Three-Year Plans

- A. The Principal Chief, by his or her designee, is authorized to implement rules, policies, forms and/or regulations to effectuate the purposes and policies of the Act, provided the Principal Chief provide said rules, policies, forms and regulations for a review and comment period of 45 days after which they may be implemented, unless said review and comment period is waived or shortened by resolution or act of Council.
 - a. The notice comment period prescribed in this section is in addition to any such other legal requirements under Cherokee Nation law that may apply.

- B. Public Disclosure: All Three-Year Plans, and any amendments thereto, described in this subsection of this Act shall be made available for public review within 45 days of issuance, including by placement on Cherokee Nation's official website.

Section 6. Reference to the Act

The expenditure of any funds authorized under this Act for any portion of any project, program or service authorized by this Act shall be designated as having been "funded by," "administered by," or "made possible by" the "Housing, Jobs and Sustainable Communities Act" or "HJSCA."

Section 7. Provisions as Cumulative. ~~Section 6 shall be amended as follows-~~

The provisions of this Act shall be cumulative to existing law, except to the extent this Act conflicts with or amends HJSCA of 2019 or HJSC 2022, in which case this Act supersedes.


Section 8. Severability

The provisions of this Act are severable and if any part of provision hereof shall be deemed void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Section 9. Effective Date; Emergency Declared-


It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

Enacted by the Council of the Cherokee Nation on the 10th day of February, 2025

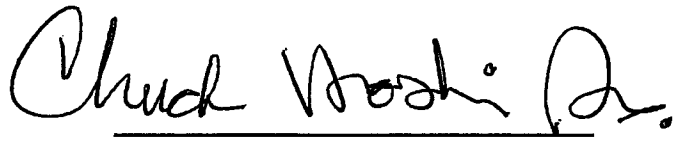


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Johnny Jack Kidwell, Secretary
Council of the Cherokee Nation



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:

Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Absent</u>
E. O. "Jr." Smith	<u>Yea</u>	Kevin Easley Jr	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Absent</u>
Codey Poindexter	<u>Yea</u>	Johnny Jack Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

**Treasurer (Required:
Grants/Contracts/Budgets):**

Signature/Initial Date

Government Relations:

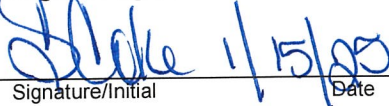
Signature/Initial Date

Administration Approval:

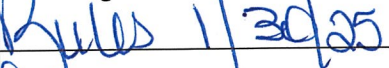
 1/15/25
Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

 1/15/25
Signature/Initial Date

Standing Committee & Date:

 1/30/25

Chairperson:


Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

☒ Act

☐ Resolution

TITLE:

**2025 TECHNICAL AMENDMENTS TO THE
HOUSING, JOBS, AND SUSTAINABLE
COMMUNITIES ACT PERMANENT
AUTHORIZATION OF 2024**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Canaan Duncan

COUNCIL SPONSOR: Mike Shambaugh, Candessa
Tehce, Cadey Poindexter
Josh Sam, Jil Deere

NARRATIVE:

JAN 15 '25 PM 3:14